

SENATE BILL 3216

By Haun

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to driving under the influence of an intoxicant to increase the punishment for multiple convictions and to provide for testing to determine the alcohol or drug content of a person's blood.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting from the fourth sentence of subsection (a)(1) the language "or subsequent".

SECTION 2. Tennessee Code Annotated, Section 55-10-403, is further amended by inserting the following between the fourth and fifth sentences of subsection (a)(1):

Notwithstanding any other provision of law to the contrary, the fourth or subsequent conviction shall be a Class E felony punishable by a fine of not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000); by confinement for not less than two hundred and seventy (270) days nor more than the maximum punishment authorized for the appropriate range of a Class E felony; and the court shall prohibit the person from driving a motor vehicle for a period of five (5) years. For the provisions of the preceding sentence to apply, at least one (1) of the violations of §55-10-401 must occur on or after July 1, 1998.

SECTION 3. Tennessee Code Annotated, Section 55-10-406, is amended by adding the following new subsection:

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( ) (1) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle involved in an accident resulting in the injury or death of another has committed a violation of Tennessee Code Annotated, Sections 55-10-401, 39-13-106, 39-13-213(a)(2) or 39-13-218, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of such driver's blood. Such test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to such test.

(2) The results of a test performed in accordance with this subsection shall be admissible in evidence by either the state or the driver of the vehicle in any court or administrative hearing relating to such accident or offense.

SECTION 4. This act shall take effect July 1, 1998, the public welfare requiring it.